

On July 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18671. Misbranding of Pycopé. U. S. v. 2 Dozen Cans of Pycopé. Default decree of destruction entered. (F. & D. No. 25473. I. S. No. 11364. S. No. 3723.)

Examination of a drug product, known as Pycopé, having shown that the label and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Utah the interstate shipment herein described, involving a quantity of the product located at Ogden, Utah.

On December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen cans of Pycopé remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by McKesson-Langley & Michaels Co., from San Francisco, Calif., on or about November 15, 1930, and had been transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, iron, aluminum and magnesium compounds, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic and curative effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "For Mouth Health * * * Hardens Soft and Bleeding Gums. * * * It saves the teeth;" (circular) "It Saves the Teeth * * * There is Little Excuse for * * * Pyorrhea * * * The dental profession recognizes Pyorrhea as a condition, followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycopé Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycopé Tooth Powder and Brush promotes mouth health, by raising the Natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycopé Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question are your assurance of its effectiveness."

On August 20, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18672. Adulteration and misbranding of ether. U. S. v. Eighty 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Federal agency for technical use. (F. & D. No. 26220. I. S. Nos. 11826, 11827. S. No. 4536.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighty 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since it contained peroxide.